

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claims 16 to 24, claims 11 to 15 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the acknowledgment that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper, and cited references.

### **II. Objection to the Specification**

Regarding the objection to the Specification, the Examiner will note that the paragraph beginning on page 1, line 27 has been amended herein without prejudice to delete the word "not", as suggested. No new matter has been added.

Withdrawal of this objection is therefore respectfully requested.

### **III. Objections to Claim 11**

Regarding the objection to the phrase "the a protective layer" in claim 11, the Examiner will note that claim 11 has been amended herein without prejudice to delete the indefinite article, "a" in this phrase.

Furthermore, the Examiner will note that claim 11 has been amended herein without prejudice to change "having additives" to --the aluminum oxides having additives--.

In view of the foregoing, withdrawal of these objections is respectfully requested.

### **IV. Rejection of Claim 11 Under 35 U.S.C. § 112, Second Paragraph**

Regarding the rejection of claim 11 under 35 U.S.C. § 112, second paragraph, the Examiner will note that claim 11 has been amended herein without prejudice, as stated above, obviating the present rejection.

Withdrawal of this rejection is therefore respectfully requested.

**V. Rejection of Claims 11 to 16 Under 35 U.S.C. § 102(b)**

Claims 11 to 16 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,271,821 ("Ogasawara et al."). It is respectfully submitted that Ogasawara et al. do not anticipate the present claims for at least the following reasons.

As an initial matter, claim 16 has been canceled herein without prejudice, thereby rendering moot the present rejection with regards to claim 16.

Claim 11, as amended, relates to a measuring sensor for determining a physical property of a measured gas, including, a sensor element capable of being exposed to the measured gas, the sensor element includes a ceramic element made of solid electrolyte layers, an outer electrode situated on a surface of the ceramic element, and a porous protective lining coating the outer electrode, and a protective layer at least partially coating the sensor element, the protective layer protecting against a harmful component in the measured gas, the protective layer covering the porous protective lining, wherein the protective layer includes one of highly active  $\gamma$ -aluminum oxide ( $\text{Al}_2\text{O}_3$ ) and highly active  $\delta$ -aluminum oxide ( $\text{Al}_2\text{O}_3$ ), the aluminum oxides having additives of one of the alkaline metals group, the alkaline earth group, the IV B subgroup, and the lanthanides group, and wherein a material of the protective lining includes zirconium oxide ( $\text{ZrO}_2$ ) having a small proportion of aluminum oxide ( $\text{Al}_2\text{O}_3$ ). Support for this amendment may be found, for example, in claim 16 and in claim 24.

Ogasawara et al. do not disclose, or even suggest, all of the features of claim 11, as amended. While Ogasawara et al. may disclose two protective layers containing aluminum oxide or alternatively zirconium oxide, nowhere do Ogasawara et al. disclose, or even suggest, the individual selection of the make-up of each of the two layers as in the present claim, i.e. both the material of the protective layer (aluminum oxide) and the material of the solid electrolyte of the sensor element (zirconium oxide). Having this make-up of the two layers results in the technical effect that a contamination of the sensor element is prevented by the protective layer, and a stable adhering of the protective layer to the sensor element is guaranteed by the fact that the protective lining contains zirconium oxide and aluminum oxide. Thus, Ogasawara et al. do not disclose, or even suggest, all of the

features of claim 11. As such, it is respectfully submitted that Ogasawara et al. do not anticipate claim 11.

As for claims 12 to 15 which depend from and therefore include all of the features included in claim 11, it is respectfully submitted that Ogasawara et al. do not anticipate these dependent claims for at least the same reasons more fully set forth above.

In view of all the foregoing, withdrawal of this rejection is respectfully requested.

## **VI. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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